

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NATIONAL SEATING & MOBILITY, INC.

Plaintiff,

No. C 10-02782 JSW

v.

**ORDER OF CLARIFICATION
AND ORDER EXTENDING
DEADLINE**

MICHAEL PARRY, et al.,

Defendants.

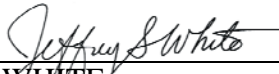
AND RELATED COUNTERCLAIM

On November 1, 2013, the parties appeared for the final approval hearing. Prior to that hearing, the parties submitted several supplemental briefs addressing the Court's Notice of Tentative Ruling and Questions for Hearing. At the hearing, the Court stated that these filings had mooted the Court's questions. The Court clarifies that these filings mooted the Court's concerns raised in questions 1 through 3. The Court's Notice of Tentative ruling was not an invitation to argue its conclusion that Class Counsel had not adequately supported their lodestar request or shown why the Court should award fees in excess of the benchmark of 25% that the Ninth Circuit applies when a court relies on the percentage-of- recovery method. In their supplemental brief, Class Counsel construed that statement as a "question" about whether they could provide additional support for the requested attorneys' fees. (*See* Docket No. 136, Supplemental Brief at 2:4-6, 9-15.) The Court HEREBY CLARIFIES that the Supplemental Brief filed at Docket No. 136 did not moot the Court's conclusion regarding the lodestar method or the 25% benchmark.

1 In the event the parties construed the Court's statement to the contrary, the Court issues
2 this Order clarifying that statement. In addition, the Court realized that it inadvertently set the
3 deadline for additional documents in support of the attorneys' fee request on November 9, 2013,
4 which is a Saturday. Accordingly, once again, if Class Counsel seeks to have the Court award
5 the full amount of attorneys' fees requested (\$197,581.96), by no later than **November 12,**
6 **2013**, they must provide the Court with a generalized breakdown, per attorney, of the type of
7 work performed (*e.g.*, research on motion for class certification, drafting motion for class
8 certification, prepare discovery requests, respond to discovery requests, document review), the
9 number of hours spent on each task, and the billing rate per hour for that attorney.

10 **IT IS SO ORDERED.**

11 Dated: November 4, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE